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Summary record of the second part (public)* of the 2888th meeting
Held at Headquarters, New York, on Wednesday, 28 March 2012, at 4.40 p.m.

Chairperson: Ms. Majodina

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.2888.

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The public part of the meeting was called to order at 4.40 p.m.

Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/104/R.6)

1. **Ms. Chanet**, speaking as the Special Rapporteur for follow-up on concluding observations, introduced her report (CCPR/C/104/R.6) and said that there were several problems with the document. There was no complete French or English version of the report, and the text of the concluding observations mentioned therein were not included. Lastly, the summaries of States parties' responses should be more concise.

2. **Ms. Prophette-Pallasco** (Human Rights Officer, Office of the United Nations High Commissioner for Human Rights) said that she regretted any misunderstandings which might have occurred. Some of the issues raised arose from the United Nations Secretariat's regulations for the submission, translation and reproduction of documents. The text of the concluding observations had not been included because of the word limits for reports and the document had not been translated because the Special Rapporteur had been unable to submit it by the deadline. Drafting changes could also have been incorporated into the document if they had been received in time.

3. **Ms. Chanet**, turning to the section of the report on Chile, suggested some drafting changes and said that, as the sixth periodic report of Chile was due to be submitted by 1 April 2012, a letter should be sent to the State party requesting it to provide a response in its seventh periodic report.

4. Turning to the section on the United Kingdom, she said that the State party's response to the recommendations contained in paragraphs 14 and 15 had largely reiterated information previously submitted to the Committee against Torture with regard to detentions in Iraq and to the Northern-Ireland-specific provisions of the Terrorism Act 2000. It would therefore be appropriate to send a letter to the State party requesting further information.

5. Turning to the section on Ireland, she noted that the State party's response to the recommendation contained in paragraph 11 of the concluding observations did not state whether the State party had adopted a definition of "terrorist acts". The Committee should therefore consider the response to be partially satisfactory and request that the information be included in the State party's next periodic report.

6. **Ms. Chanet**, turning to the section on Australia, said that a follow-up procedure would be appropriate, since the State party's next periodic report was due in 2015. The State party's response to the Committee's recommendation on counter-terrorism legislation and practices was contradictory; as it maintained that its definition of a terrorist act was not vague, but referred to the possibility of revising it. The State party needed to make further efforts in relation to the recommendation concerning violence against women.

7. Turning to the section on Chad, she said that the Committee should request the State party to provide additional information prior to the submission of its next periodic report, in particular concerning the case of Khadidja Ousmane Mahamat.

8. Referring to the section on Estonia, she said that it was difficult to follow up on recommendations that allowed the State party to provide vague and evasive replies. The Committee should nevertheless request more information from the State party and should also include in the progress report the date of receipt of the State party's previous periodic report, as the next one would not be due until 2015.

9. Turning to the section on Colombia, she suggested some drafting changes and said that the State party should be asked to provide further information prior to the submission of its next periodic report.

10. **Ms. Prophette-Pallasco** (Human Rights Officer, Office of the United Nations High Commissioner for Human Rights), referring to the section on Colombia, said that, in view of the clear contradiction between the information provided by the State party and the reports from non-governmental organizations, the secretariat had consulted the country office in Colombia of the High Commissioner for Human Rights. A confidential report provided by that office had been taken into account in drafting the recommendations.

11. **Ms. Chanet**, turning to the section on Belgium, said that the Committee should ask the State party to provide additional information and clarification prior to the 2015 due date of its next periodic report.

12. She would continue to request meetings with representatives of States parties such as Tanzania, which had not replied to previous requests.

13. *The recommendations contained in the report of the Special Rapporteur for follow-up on concluding observations, as orally amended, were approved.*

14. **The Chairperson** said that she commended Ms. Chanet for her work on the evaluation system. She hoped that Committee members would be able to read future reports in advance so that the problems experienced during the current reporting process would not reoccur. She also thanked the staff members of the secretariat for their hard work, and enquired whether the report would be translated.

15. **Ms. Prophette-Pallasco** (Human Rights Officer, Office of the United Nations High Commissioner for Human Rights) said that the final version of the report would be issued in English, French and Spanish, once the amendments discussed at the present meeting had been incorporated.

16. **Ms. Chanet** said that future reports should be briefer so that they could be submitted in time for translation.

Organizational and other matters (*continued*)

Substantive joint meeting between the Committee and the CEDAW Committee

17. **The Chairperson**, speaking in her capacity as an expert, introduced a proposal for the joint meeting with the Committee on the Elimination of Discrimination against Women (CEDAW), scheduled for October 2012. Following consultations, she and Mr. Flinterman had selected substantive topics for discussion, namely, the relationship between the Covenant and the Convention on the Elimination of All Forms of Discrimination against Women and the implications of that relationship for the roles of each treaty body; and the two Committees' approaches to the issues of abortion, the minimum legal age for marriage, strengthening the treaty body system, and individual communications.

18. **Ms. Waterval** suggested that the substantive topic of domestic violence should also be addressed at the joint meeting.

19. **The Chairperson** said that she took note of that suggestion. She reminded the Committee that the joint meeting would take place over a three-hour period, which should allow sufficient time to discuss at least four substantive topics. She and Mr. Flinterman would prepare papers on two such topics and submit them for consideration by the Committee at a preliminary meeting in July 2012.

20. **Mr. Neuman** asked whether the proposed topic of the relationship between the Covenant and the Convention was understood to include both the use of the Convention to interpret the Covenant, and the use of provisions of the Covenant that did not initially appear to be related to gender to interpret the Convention.

21. **The Chairperson** said that she and Mr. Flinterman were open to suggestions and sought guidance from the Committee.

22. **Mr. Salvioli** said that he had long been an advocate of such joint meetings because of the need to ensure that the work of the two treaty bodies was mutually beneficial while respecting the mandate of each. It would be easier to achieve a uniform approach on the issue of domestic violence than on the minimum legal age for marriage, in which case the language of the two treaty bodies would have to be harmonized to some extent.

23. **Mr. Iwasawa** requested clarification of the format of the joint meeting and wondered whether members of the two treaty bodies would deliver substantive presentations together or whether one treaty body would deliver a presentation and the other would make comments.

24. **The Chairperson** said that the format of the meeting would ultimately depend on how many substantive issues were to be addressed in the time allotted; she would prefer a limit of four topics. At the preliminary meeting in July, there would be additional discussion of the inputs to be produced, and the decision would be made at that stage. Two members of each Committee would make presentations of ten minutes or more, for a total of four presentations.

25. **Mr. Flinterman** said that it might be difficult to have a thorough discussion of four substantive items. Perhaps more specific suggestions could be made at the July meeting, where the list could be narrowed down and members could decide how to organize the agenda. That discussion might have implications for the Committee's future policies. Also, other topics might

be proposed for discussion in light of the reactions of CEDAW Committee members.

26. **The Chairperson** asked what topics needed to be addressed most urgently.

27. **Mr. Flinterman** said that abortion was a topic of great interest, for which the relationship between the Covenant and the Convention was significant. The Committee's practice had been to refer to general international legal standards in its concluding observations on such issues as abortion and the minimum legal age for marriage, rather than to the concluding observations of the CEDAW Committee; however, that Committee took quite a different approach.

28. **The Chairperson** asked whether the Committee wished to narrow the substantive focus of the meeting to the topics of abortion and the minimum legal age for marriage.

29. **Mr. Neuman** expressed concern at the Committee's apparent lack of a unified position on abortion, beyond the vague general agreement that States parties should adopt abortion laws that were consistent with the provisions of the Covenant. He therefore believed that the two topics for the meeting should be the general relationship between the two treaties and the substantive issue of the minimum legal age for marriage as an illustration of that relationship.

30. **Ms. Chanet** asked whether the CEDAW Committee had a unified position on abortion; that information could help the Committee decide whether to follow Mr. Neuman's proposal or to schedule an exchange of views with the CEDAW Committee.

31. **Mr. Flinterman** explained that the CEDAW Committee, after intense discussions on the issue of abortion, had reached an understanding on its approach to the matter: women who had an abortion should never be penalized; a total prohibition of abortion was incompatible with the provisions of the Convention; and, in the event of a prohibition, exceptions should be made for cases of rape or incest, and for health reasons. Further discussion with the CEDAW Committee on the subject would certainly be of interest.

32. **Mr. Iwasawa** said that the Bureau had agreed to hold such a discussion in July, prior to the joint meeting.

33. **The Chairperson** said that she and Mr. Flinterman would prepare brief introductions to the topics mentioned, so that the Committee could consider their inclusion or omission at the preliminary meeting in July.

The meeting rose at 6 p.m.